

No. 80704-3

IN THE SUPREME COURT  
OF THE STATE OF WASHINGTON

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STATE OF WASHINGTON, Respondent,

v.

JEFFREY S. BROOKS, Petitioner.

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CLERK

BY RONALD R. CARPENTER

08 JAN 18 AM 7:55

RECEIVED  
SUPREME COURT  
STATE OF WASHINGTON

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RESPONSE TO MOTION FOR DISCRETIONARY REVIEW OF  
PERSONAL RESTRAINT PETITION

---

DAVID S. McEACHRAN,  
Whatcom County Prosecuting Attorney  
By HILARY A. THOMAS  
Appellate Deputy Prosecutor  
Attorney for Respondent  
WSBA #22007

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### Statutes

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**A. IDENTITY OF RESPONDENT**

Respondent, State of Washington, by Hilary A. Thomas, Appellate Deputy Prosecutor for Whatcom County, and in accord with the Court's request for a response, responds to Petitioner Brooks' motion for discretionary review.

**B. DECISION BELOW**

The Court of Appeals issued a ruling denying Petitioner Brooks' personal restraint petition.

**C. ISSUES PRESENTED FOR REVIEW**

What remedy is appropriate to reflect that a sentence, including community custody, cannot exceed the statutory maximum?

**D. STATEMENT OF THE CASE**

Brooks was convicted of three counts Attempted Robbery in the First Degree and one count of Residential Burglary. Appendix A, Judgment and Sentence. He was sentenced to 120 months on each of the attempted robbery counts. Id. at 5. Although the standard range on each count was listed as 96.75 – 128.25 months, the total actual confinement he faced was listed as 120 months Id. at 2. The court also ordered a period of community placement/custody/supervision, as determined by the Department of Corrections, of 18 to 36 months on each of those three counts. Id. at 6.

Brooks apparently filed a personal restraint petition alleging that his sentence was unlawful because the term of confinement ordered along with the community custody time exceeded the statutory maximum.<sup>1</sup> The Court of Appeals denied Brooks's petition. Brooks subsequently filed a motion for reconsideration, which was transferred to the Supreme Court to be treated as a motion for discretionary review. See Supreme Court Commissioner's Ruling, Jan. 3, 2008. In the Ruling the Commissioner requested the State to respond to the motion for discretionary review and to suggest an appropriate remedy, if any, to the issue presented by Brooks. The State was also directed to provide a complete copy of the judgment and sentence, which is attached hereto as Appendix A.

#### **E. ARGUMENT**

Brooks asserts that his sentence, including the term of community custody, exceeds the statutory maximum. Except as relates to collection of restitution, a sentence may not exceed the statutory maximum term set by the legislature. RCW 9.94A.505(5). A defendant who earns early release is subject to community custody for any time remaining between the date of his release and the maximum sentence. *See*, RCW 9.94A.728 (2); State v. Sloan, 121 Wn. App. 220, 87 P.3d 1214 (2004); State v.

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<sup>1</sup> Respondent was not served with a copy of the petition and was not requested to respond by the Court of Appeals.

Vanoli, 86 Wn. App. 643, 937 P.2d 1166 (1997). Although a sentence that imposes the statutory maximum as incarceration and a term of community supervision or custody may appear to exceed the statutory maximum, in actuality it may not “because prisoners who earn early release credits, and transfer to community custody status in lieu of earned early release, have not yet served the maximum.” Sloan, 121 Wn. App. at 222-3. Although such a sentence is not unlawful, the court in Sloan recommended that the judgment and sentence make it clear that the term of incarceration and the term of community custody cannot exceed the statutory maximum:

To avoid confusion, therefore, when a court imposes community custody that could theoretically exceed the statutory maximum sentence for that offense, the court should set forth the maximum sentence and state that the total of incarceration and community custody cannot exceed that maximum.

State v. Sloan, 121 Wn. App. at 223-4.

In its ruling this Court determined that the Court of Appeals erred in treating Brooks’s robbery convictions as completed crimes, rather than the anticipatory crimes that they were. See Ruling at 1. In determining that Brooks’s sentence did not need to be vacated pursuant to Sloan and Vanoli, the Court indicated however that it would be preferable for the judgment and sentence to reflect that the term of incarceration and

community custody cannot exceed the statutory maximum. Ruling at 2-3.

While the judgment and sentence caps the term of incarceration at the statutory maximum, it does not make explicitly clear that the term of incarceration and community custody cannot exceed the statutory maximum. Therefore, the State suggests that section 4.5(a) of the judgment and sentence be amended to state: "The total of the term of incarceration and the term of community custody for each counts I, II and III shall not exceed the statutory maximum of 120 months."

**F. CONCLUSION**

The State submits that Brooks's sentence should not be vacated, but that the matter should be remanded for the judgment and sentence to be amended to clarify that the total term of incarceration and community custody cannot exceed the statutory maximum of 120 months.

DATED this 17<sup>th</sup> day of January, 2008.

Respectfully submitted,



HILARY A. THOMAS, WSBA No. 22007  
Appellate Deputy Prosecutor  
Attorney for Respondent

CERTIFICATE

I certify that on this date I placed in the mail a properly stamped and addressed envelope, or otherwise caused to be delivered, a copy of the document to which this Certificate is attached to this Court and Petitioner, addressed as follows:

Jeffrey Brooks  
DOC#634437  
Washington State Penitentiary  
1313 N. 13th Avenue  
Walla Walla, WA 99362

Sydney A. Koss  
LEGAL ASSISTANT

1/17/2008  
DATE



# **APPENDIX A**

FILED IN OPEN COURT  
10-18 2006  
 WHATCOM COUNTY CLERK

[Signature]  
 Deputy

ORIGINAL

SUPERIOR COURT OF WASHINGTON  
 COUNTY OF WHATCOM

STATE OF WASHINGTON, Plaintiff,

vs.

JEFFREY SCOTT BROOKS, Defendant.

DOB: May 10, 1964

No. 05-1-01763-8

JUDGMENT AND SENTENCE (FJS)

PRISON

[XX] CLERK'S ACTION REQUIRED-para 4.1 (LFO'S),  
 4.3 (NCO)

JDSwc

I. HEARING

- 1.1 A sentencing hearing was held and the defendant, Jeffrey Scott Brooks, the defendant's lawyer, Carl Munson, and the Deputy Prosecuting Attorney, Elizabeth Gallery, were present.

II. FINDINGS

There being no reason why judgment should not be pronounced, the Court FINDS:

- 2.1 CURRENT OFFENSE(S): The defendant was found guilty on October 4, 2006 by JURY - VERDICT of:

COUNT	CRIME	RCW	DATE OF CRIME
I	ATTEMPTED ROBBERY IN THE FIRST DEGREE	9A.28.020 and 9A.56.200(1)(a) and 9A.56.190	November 13, 2005
II	ATTEMPTED ROBBERY IN THE FIRST DEGREE	9A.28.020 and 9A.56.200(1)(a) and 9A.56.190	November 13, 2005
III	ATTEMPTED ROBBERY IN THE FIRST DEGREE	9A.28.020 and 9A.56.200(1)(a) and 9A.56.190	November 13, 2005
IV	RESIDENTIAL BURGLARY	9A.52.025(1)	November 13, 2005

as charged in the Amended Information.

## 2.2 CRIMINAL HISTORY (RCW 9.94A.525):

CRIME	DATE OF SENTENCE	SENTENCING COURT (County & State)	A or J	TYPE OF CRIME
SEE ATTACHED CRIMINAL HISTORY SHEET				

- ☒ Additional criminal history is attached in Appendix 2.2. *Exhibit A*
- ☐ The defendant committed a current offense while on community placement (adds one point to score). RCW 9.94A.525
- ☐ The court finds that the following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.525):
- ☐ The following prior convictions are not counted as points but as enhancements pursuant to RCW 46.61.520:

## 2.3 SENTENCING DATA:

COUNT NO.	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancements *	TOTAL ACTUAL CONFINEMENT (standard range including enhancements)	COMMUNITY CUSTODY RANGE (Only applicable for crimes committed no or after July 1, 2000. For crimes committed prior to July 1, 2000 see paragraph 6(f).)	MAXIMUM TERM
I	9	IX	96.75-128.25		120 months	18 to 36 months	10 yrs/\$20,000
II	9	IX	96.75-128.25		120 months	18 to 36 months	10 yrs/\$20,000
III	9	IX	96.75 - 128.25		120 months	18 to 36 months	10 yrs/\$20,000
IV	9	IV	63 - 84 months		84 months	18 to 36 months	10 yrs/\$20,000

\*(F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Hom, see RCW 46.61.520, (JP) Juvenile present, (SM) Sexual Motivation, RCW 9.94A.533(8).

- ☐ Additional current offense sentencing data is attached in Appendix 2.3.

2.4 ☐ EXCEPTIONAL SENTENCE. Substantial and compelling reasons exist which justify an exceptional sentence:

2.5 ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS. The court has considered the total amount owing, the defendant's past, present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds that the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.753

- ☐ The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753):
- 
- 

2.6 For violent offenses, most serious offenses, or armed offenders recommended sentencing agreements or plea agreements are as follows:

## III. JUDGMENT

3.1 The defendant is GUILTY of the Counts and Charges listed in Paragraph 2.1 and Appendix 2.1.

Judgment and Sentence (JS) (Felony)  
(RCW 9.94A.500, .505) WPF CR 84.0400 (6/2002)  
JEFFREY SCOTT BROOKS

3.2 ☐ The Court DISMISSES Count(s)

#### IV. SENTENCE AND ORDER

IT IS ORDERED:

4.1 Defendant shall pay to the Clerk of this Court:

#### JASS CODE

\$ <del>0</del>	Restitution to:
\$	Restitution to:
\$	Restitution to:
\$	Restitution to:

RTN/RJN  
Office).

(Name and Address--address may be withheld and provided confidentially to Clerk's

PCV \$500.00  
CRC \$450.00

Victim Assessment  
Court costs, including:

RCW 7.68.035  
RCW 9.94A.760, 9.94A.505,  
10.01.160, 10.46.190

Criminal filing fee \$200.00  
Witness costs \$  
Sheriff service fees \$  
Jury demand fee \$250

FRC  
WFR  
SFR/SFS/SFW/WRF  
JFR

PUB \$1,500.00

Fees for court appointed  
attorney

RCW 9.94A.760

WFR \$

Court appointed defense  
expert and other defense  
costs

RCW 9.94A.760

FCM \$  
LDI \$

Fine  
VUCSA Fine

☐ VUCSA additional fine  
deferred due to indigency  
RCW 69.50.430

RCW 9A.20.021

MTH \$

Meth Lab Cleanup

☐ VUCSA additional fine  
deferred due to indigency  
RCW 69.50.401

RCW 69.50

CDF/LDI/ \$  
FCD/NTF/  
SAD/SDI

Drug enforcement fund

RCW 9.94A.760

CLF \$  
DNA \$100.00

Crime lab fee  
Felony DNA Collection  
Fee

☐ Suspended due to indigency  
☐ Not imposed due to  
hardship

RCW 43.43.690  
RCW 43.43.(Ch. 289 L  
2002 § 4)

RTN/RJN \$

Emergency response costs (Vehicular Assault, Vehicular  
Homicide only, \$1000 maximum)

RCW 38.52.430

\$

TOTAL

RCW 9.94A.760

[XX] The above total does not include all restitution or other legal financial obligations, which may be set by  
later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing:

☐ shall be set by the prosecutor

☐ is scheduled for \_\_\_\_\_.

☐ RESTITUTION. Schedule attached

All payments shall be made in accordance with the policies, procedures and schedules of the Whatcom County Clerk as supervision of legal financial obligations has been assumed by the Court. RCW 9.94A.760

☐ PAYMENT IN FULL: Defendant agrees and is hereby ordered to make payment in full within    days after the imposition of sentence to the Whatcom County Clerk for the amount due and owing for legal financial obligations and restitution.

☒ MONTHLY PAYMENT PLAN: The defendant agrees and is hereby ordered to enter into a monthly payment plan, with the Whatcom County Clerk for the amounts due and owing for legal financial obligations and restitution, immediately after sentencing. The Court hereby sets the defendant's monthly payment amount at \$100.00, which will remain in effect until such time as the defendant executes a payment plan negotiated with the Collections Deputy. The first payment of \$100.00 is due immediately after imposition of sentence or release from confinement, whichever occurs last.

During the period of repayment, the Whatcom County Clerk's Collections Deputy may require the defendant to appear for financial review hearings regarding the appropriateness of the collection schedule. The defendant will respond truthfully and honestly to all questions concerning earning capabilities, the location and nature of all property or financial assets and provide all written documentation requested by the Collections Deputy in order to facilitate review of the payment schedule. RCW 9.94A. The defendant shall keep current all personal information provided on the financial statement provided to the Collections Deputy. Specifically, the defendant shall notify the Whatcom County Superior Court Clerk's Collection Deputy, or any subsequent designee, of any material change in circumstance, previously provided in the financial statement, i.e. address, telephone or employment within 48 hours of change.

☒ DEFENDANT MUST MEET WITH COLLECTIONS DEPUTY PRIOR TO RELEASE FROM CUSTODY.

☒ The defendant shall pay the cost of services to collect unpaid legal financial obligations, which include monitoring fees for a monthly time payment plan and/or collection agency fees if the account becomes delinquent. (RCW 36.18.190)

☒ The financial obligations imposed in this judgment shall bear interest from the date of the Judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090. An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW 10.73.160

☐ In addition to the other costs imposed herein, the court finds that the defendant has the means to pay for the cost of incarceration and is ordered to pay such costs at the rate of \$50.00 per day, unless another rate is specified here: \_\_\_\_\_. (JLR) RCW 9.94A.760

4.2 ☒ DNA TESTING. The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754

☐ HIV TESTING. The defendant shall submit to HIV testing. RCW 70.24.340

4.3 **NO CONTACT ORDER/ORDER PROHIBITING CONTACT**

*Mr. Marcus Hayes & Erika Thorsen*

[XX] The defendant shall not have contact with Wanda Sturman including, but not limited to, personal, verbal, telephonic, written or contact through a third party for 10 years (not to exceed the maximum statutory sentence).

[ ] **NO POST-CONVICTION ORDER PROHIBITING CONTACT IS BEING ENTERED OR EXTENDED. ANY PRIOR ORDER ENTERED, HAVING THIS CAUSE NUMBER, TERMINATES ON THE DATE THIS JUDGMENT IS SIGNED.**

4.4 **OTHER:**

- [ ] Defendant is to be released immediately to set up jail alternatives.  
[ ] **DEPORTATION.** If the defendant is found to be a criminal alien eligible for release to and deportation by the United States Immigration and Naturalization Service, subject to arrest and reincarceration in accordance with law, then the undersigned Judge or Prosecutor consent to such release and deportation prior to the expiration of the sentence. RCW 9.94A.280

4.5 **CONFINEMENT OVER ONE YEAR.** The defendant is sentenced as follows:

- (a) **CONFINEMENT.** RCW 9.94A.589. Defendant is sentenced to the following term of total confinement in the custody of the Department of Corrections:

120 months for COUNT: I, 120 months for COUNT: II, 120 months for COUNT: III, 84 months for COUNT: IV,

(Add mandatory firearm, deadly weapons, and sexual motivation enhancement time to run consecutively to other counts, see Section 2.3, Sentencing Data above)

**OTHER:**

All counts shall be served concurrently, except for the portion of those counts for which there is a special finding of a firearm, other deadly weapon, sexual motivation, VUCSA, in a protected zone, or manufacture of methamphetamine with juvenile present as set forth above in section 2.3, and except for the following which shall be served **CONSECUTIVELY**:

The sentence herein shall run consecutively with the sentence in but concurrently to any other felony cause not referred to in this Judgment. RCW 9.94A.400

Confinement shall commence IMMEDIATELY unless otherwise set forth here: \_\_\_\_\_  
(should be a Monday if possible) between 1:00 p.m. and 4:00 p.m.

- (c) The defendant shall receive credit for time served prior to sentencing, including time spent in transport, if that confinement was solely under this cause number. RCW 9.94A.505. The time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court:

4.6 SUPERVISION: [XX]Community PLACEMENT/Community CUSTODY/Community SUPERVISION, as determined by DOC, for 18 to 36 months for Count I, 18 to 36 months for Count II, 18 to 36 months for Count III, 18 to 36 months for Count IV, ; or the period of earned release awarded pursuant to RCW 9.94A.728(1) and (2), whichever is longer and standard mandatory conditions are ordered. [See RCW 9.94A.700 and .705 for community placement offenses, which include serious violent offenses, second degree assault, any crime against a person with a deadly weapon finding and Chapter 69.50 or 69.52 RCW offenses not sentenced under RCW 9.94A.660 committed before July 1, 2000. See RCW 9.94A.715 for community custody range offenses, which include sex offenses not sentenced under RCW 9.94A.712 and violent offenses committed on or after July 1, 2000. [ Use paragraph 4.7 to impose community custody following work ethic camp.]

[On or after July 1, 2003, the court may order community custody under the jurisdiction of DOC for up to 12 months if the defendant is convicted of a sex offense, a violent offense, a crime against a person under RCW 9.94A.411, or a felony violation of chapter 69.50 or 69.52 RCW or an attempt, conspiracy or solicitation to commit such a crime. For offenses committed on or after June 7, 2006, the court shall impose a term of community custody under RCW 9.94A.715 if the offender is guilty of failure to register (second or subsequent offense) under RCW 9A.44.130(1)(a).

On or after July 1, 2003, DOC shall supervise the defendant if DOC classifies the defendant in the A or B risk categories; or DOC classifies the defendant in the C or D risk categories and at least one of the following apply:

a) the defendant committed a current or prior:		
i) Sex offense	ii) Violent Offense	iii) Crime against a person (RCW 9.94A.411)
iv) Domestic violence offense (RCW 10.99.020)		v) Residential burglary offense
vi) Offense for manufacture, delivery or possession with intent to deliver methamphetamine		
vii) Offense for delivery of a controlled substance to a minor; or attempt, solicitation or conspiracy (vi, vii)		
b) the conditions of community placement or community custody include chemical dependency treatment.		
c) The defendant is subject to supervision under the interstate compact agreement, RCW 9.94A.745.		

While on community placement or community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution (service); (3) notify DOC of any change in defendant's address or employment; (4) not consume controlled substances except pursuant to lawfully issued prescriptions; (5) not unlawfully possess controlled substances while in community custody; (6) pay supervision fees as determined by DOC; (7) perform affirmative acts necessary to monitor compliance with the orders of the court as required by DOC; and (8) for sex offenses, submit to electronic monitoring if imposed by DOC. The residence location and living arrangements are subject to the prior approval of DOC while in community placement or community custody. Community custody for sex offenders not sentenced under RCW 9.94A.712 may be extended for up to the statutory maximum term of the sentence. Violation of community custody imposed for a sex offense may result in additional confinement.

Defendant shall report to DOC, 1111 Cornwall Avenue, #200, Bellingham, not later than 72 hours after release from custody; and the defendant shall perform affirmative acts necessary to monitor compliance with the orders of the court as required by DOC. For sex offenses, defendant shall submit to electronic monitoring if imposed by DOC. Defendant shall comply with the instructions, rules and regulations of DOC for the conduct of the defendant during the period of community supervision or community custody and any other conditions of community supervision or community custody stated in this judgment and Sentence. The defendant shall:

☒ The defendant shall not consume any alcohol.  
☒ Defendant shall comply with the No Contact provisions stated above.  
☐ Defendant shall remain of a specified geographical boundary, to wit  
☒ The defendant shall undergo an evaluation for treatment for the concern noted below AND FULLY COMPLY with all recommended treatment.

☐ Domestic Violence  
☒ Substance Abuse  
☒ Mental Health  
☐ Anger Management

☒ The defendant shall participate in the following crime related treatment or counseling services:  
☒ The defendant shall comply with the following crime-related prohibitions:

**Do not possess or consume illegal drugs or non-prescribed medication.**

Other conditions may be imposed by the court or Department during community custody, or are set forth here:

☐ For sentences imposed under RCW 9.94A.712, other conditions, including electronic monitoring, may be imposed during community custody by the Indeterminate Sentence Review Board, or in an emergency by DOC. Emergency conditions imposed by DOC shall not remain in effect longer than seven working days.

- 4.7 ☐ **WORK ETHIC CAMP.** RCW 9.94A.690, RCW 72.09.410. The court finds that defendant is eligible and is likely to qualify for work ethic camp and the court recommends that the defendant serve the sentence at a work ethic camp. Upon completion of work ethic camp, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions below. Violation of the conditions of community custody may result in a return to total confinement for the balance of the defendant's remaining time of total confinement. The conditions of community custody are stated above in Section 4.6.
- 4.8 **OFF LIMITS ORDER** (known drug trafficker) RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the County Jail or Department of Corrections:

#### V. NOTICES AND SIGNATURES

- 5.1 **COLLATERAL ATTACK ON JUDGMENT.** Any petition or motion for collateral attack on this judgment and sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, must be filed within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090
- 5.2 **LENGTH OF SUPERVISION.** For an offense committed prior to July 1, 2000, the defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to ten years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional ten years. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for the purposes of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505(5)
- 5.3 **NOTICE OF INCOME-WITHHOLDING ACTION.** If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606



**5.4 RESTITUTION HEARING.**

☐ Defendant waives any right to be present at any restitution hearing (sign initials): \_\_\_\_\_

**5.5** Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. RCW 9.94A.634

**5.6 FIREARMS.** You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record. (The court clerk shall forward a copy of the defendant's driver's license, identicard, or comparable identification, to the Department of Licensing along with the date of conviction or commitment). RCW 9.41.040, 9.41.047

**5.7** ☐ The court finds that Count(s) is a felony in the commission of which a motor vehicle was used. The court clerk is directed to immediately mark the person's Washington State Driver's license or permit to drive, it any in a manner authorized by the department. The court clerk is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke the defendant's driver's license. RCW 46.20.285.

**5.8** If the defendant is or becomes subject to court-ordered mental health or chemical dependency treatment the defendant must notify DOC and the defendant's treatment information must be shared with DOC for the duration of the defendant's incarceration and supervision. RCW 9.94A.562.

**5.9 OTHER:**

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DONE in Open Court and in the presence of the defendant this date: **October 18, 2006.**

DEFENDANT

Print name: JEFFREY SCOTT BROOKS

Deputy Prosecuting Attorney  
WSBA # 18800

Print name: ELIZABETH GALLERY

JUDGE

Attorney for Defendant

WSBA # 27297

Print name: CARL MUNSON

**Voting Rights Statement:** I acknowledge that my right to vote has been lost due to felony conviction. If I am registered to vote, my voter registration will be cancelled. My right to vote may be restored by: a) A certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) A court order issued by the sentencing court restoring the right, RCW 9.92.066; c) A final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050; or d) A certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 9A.84.660.

Defendant's signature:

JEFFREY SCOTT BROOKS  
CAUSE NUMBER of this case: 05-1-01763-8

I, \_\_\_\_\_, Clerk of this Court, certify that the foregoing is a full, true and correct copy of the Judgment and Sentence in the above-entitled action, now on record in this office.

WITNESS my hand and seal of the said Superior Court affixed this date: **October 18, 2006.**

Clerk of said County and State, by: \_\_\_\_\_, Deputy Clerk

**IDENTIFICATION OF DEFENDANT**

SID No. \_\_\_\_\_  
(If no SID take fingerprint card for State Patrol)

Date of Birth: 05/10/64

FBI No. \_\_\_\_\_  
PCN No. 900042795

Local ID No. \_\_\_\_\_

Other \_\_\_\_\_

Alias name, SSN, DOB:

Race: White

Sex: Male

Defendant's Last Known Address: Transient

**FINGERPRINTS** I attest that I saw the same defendant who appeared in Court on this document affix his fingerprints and signature thereto.

Clerk of the Court: Sinda [Signature], Deputy Clerk. Dated: **October 18, 2006**

DEFENDANT'S SIGNATURE: \_\_\_\_\_

Left Thumb



Right Thumb



SUPERIOR COURT OF WASHINGTON  
COUNTY OF WHATCOM

STATE OF WASHINGTON, Plaintiff,

vs.

JEFFREY SCOTT BROOKS, Defendant.

No. 05-1-01763-8

WARRANT OF COMMITMENT

DOB: May 10, 1964

THE STATE OF WASHINGTON

TO: THE SHERIFF OF WHATCOM COUNTY

The defendant, JEFFREY SCOTT BROOKS, has been convicted in the Superior Court of the State of Washington of the crime or crimes of ATTEMPTED ROBBERY IN THE FIRST DEGREE, ATTEMPTED ROBBERY IN THE FIRST DEGREE, ATTEMPTED ROBBERY IN THE FIRST DEGREE and RESIDENTIAL BURGLARY and the Court has ordered that the defendant be punished by serving the determined sentence of 120 months for Count I, 120 months for Count II, 120 months for Count III, 84 months for Count IV,

This sentence is CONCURRENT with the sentence imposed in cause number (s).

Defendant shall receive credit for time served of Since incarceration November 13<sup>th</sup>, 2005. as of \_\_\_\_\_, and credit for any additional time served beyond that date until defendant is transported to the Department of Corrections.

YOU, THE SHERIFF, ARE COMMANDED to take and deliver the defendant to the proper officers of the Department of Corrections; and

YOU, THE PROPER OFFICERS OF THE DEPARTMENT OF CORRECTIONS, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence.

By Direction of the HONORABLE

IRA UHRIG

JUDGE

DATED: October 18, 2006

N.F. JACKSON, JR., Clerk

By:

Sinda Hutcherson  
Deputy Clerk

Exhibit "A"

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

No. 00-1-11104-1 SEA

vs.

JUDGMENT AND SENTENCE,  
(FELONY) - APPENDIX B,  
CRIMINAL HISTORY

JEFFREY SCOTT BROOKS

Defendant,

2.2 The defendant has the following criminal history used in calculating the offender score (RCW 9.94A.360):

Crime	Sentencing Date	Adult or Juv. Crime	Cause Number	Location
BURGLARY 2	07/09/1982	ADULT	821000336	WASH
BURGLARY 2	07/02/1982	ADULT	821000964	WASH
BURGLARY 2	02/24/1987	ADULT	861007398	SNOH CO
ASSAULT 2	02/24/1987	ADULT	861008289	SNOH CO
BURGLARY 2	02/24/1987	ADULT	861008289	SNOH CO
POSSESSION OF STOLEN PROPERTY 2	08/17/1989	ADULT	891001151	WASH
BURGLARY 2	08/17/1989	ADULT	891001151	WASH
FORGERY	08/17/1989	ADULT	891001151	WASH
FORGERY	12/01/1989	ADULT	891007210	WASH
BURGLARY 2	03/02/1983	ADULT	921000200	LINCOLN WA
THEFT 2	03/02/1993	ADULT	921000200	LINCOLN WA
THEFT 2	03/02/1993	ADULT	921000200	LINCOLN WA
POSSESSION OF STOLEN PROPERTY 2	07/17/1992	ADULT	921000200	LINCOLN WA
POSSESSION OF CONTROLLED SUBSTANCE BY A PRISONER	07/17/1995	ADULT	951001685	WALLA WALLA WA
MALICIOUS MISCHIEF 2	09/13/1998	ADULT	981001924	SKAGIT WA
VUCSA/POSSESSION	02/12/1999	ADULT	981004036	SKAGIT WA
Burglary Second	2000	adult	00-1-11104	King Co

Overturned  
Convictions

92-1-000300  
Theft 2nd  
Lincoln  
County

[ ] The following prior convictions were counted as one offense in determining the offender score (RCW 9.94A.360(11)):

Date:

6/19/01

JUDGE, KING COUNTY SUPERIOR COURT

State of Washington )  
 ) SS.  
County of Whatcom )

I, N.F. Jackson, Jr., County Clerk of Whatcom county and ex-officio Clerk of the Superior Court of the State of Washington, for the County of Whatcom, do hereby certify that the foregoing instrument is a true and correct copy of the original, consisting of \_\_\_\_\_ pages, now on file in my office, and that the undersigned has the custody thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of said Court at my office at Bellingham, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
N.F. Jackson, Jr., County Clerk

By \_\_\_\_\_  
Deputy Clerk